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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2016-59

13 **DANIEL JACK DUNN,**
14 **1020 Linda Vista Drive, Suite A**
15 **San Marcos, CA 92078**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16 **Field Representative License No. FR 35207**

17 **Respondent.**

18 **FINDINGS OF FACT**

19 1. On or about May 13, 2016, Complainant Susan Saylor, in her official capacity as the
20 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
21 Affairs, filed Accusation No. 2016-59 against Daniel Jack Dunn (Respondent) before the
22 Structural Pest Control Board. (A copy of the Accusation is attached as Exhibit A.)

23 2. On or about October 17, 2002, the Structural Pest Control Board (Board) issued Field
24 Representative License No. FR 35207 to Respondent. The Field Representative License was in
25 full force and effect at all times relevant to the charges brought in Accusation No. 2016-59 and
26 will expire on June 30, 2017, unless renewed.

27 3. On or about May 20, 2016, Respondent was served by Certified and First Class Mail
28 copies of the Accusation No. 2016-59, Statement to Respondent, Notice of Defense, Request for
Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 136
2 and California Code of Regulations, title 16, section 1911, is required to be reported and
3 maintained with the Board. Respondent's address of record was and is:

4 1020 Linda Vista Drive, Suite A
5 San Marcos, CA 92078

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
8 124.

9 5. On or about June 20, 2016, Respondent was served by Certified and First Class Mail
10 copies of the aforementioned documents to an alternate address, which was:

11 11205 Oak Creek Drive
12 Lakeside, CA 92040

13 6. On or about May 31, 2016, the aforementioned documents served to Respondent's
14 address of record via First Class Mail were returned by the U.S. Postal Service marked
15 "Undeliverable as Addressed – Return to Sender." On or about June 1, 2016, the aforementioned
16 documents served to Respondent's address of record via Certified Mail were returned by the U.S.
17 Postal Service marked "Undeliverable as Addressed - Return to Sender." The address on the
18 documents was the same as the address on file with the Board. Respondent failed to maintain an
19 updated address with the Board and the Board has made attempts to serve the Respondent at the
20 address on file and at an alternate address. Respondent has not made himself available for service
21 and therefore, has not availed himself of his right to file a notice of defense and appear at hearing.

22 7. Government Code section 11506(c) states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the respondent
24 files a notice of defense . . . and the notice shall be deemed a specific denial of all
25 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
26 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
27 discretion may nevertheless grant a hearing.

28 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
2016-59.

9. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2016-59, finds that the charges and allegations in Accusation No. 2016-59, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$547.50 as of June 13, 2016.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Daniel Jack Dunn has subjected his Field Representative License No. FR 35207 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Field Representative License based upon the following violations alleged in the Accusation which are supported by the Default Decision Investigatory Evidence Packet in this case.

a. Respondent is subject to disciplinary action under sections 498 and 8637 of the Code in that he secured his Field Representative License by fraud, deceit, or knowing misrepresentation of a material fact, in that he failed to provide proof of completion for the 20 hours of continuing education he claimed on his license renewal application.

b. Respondent is subject to disciplinary action under section 8641 of the Code, and California Code of Regulations, title 16, section 1950, in that he failed to comply with the provisions of the Structural Pest Control Act.

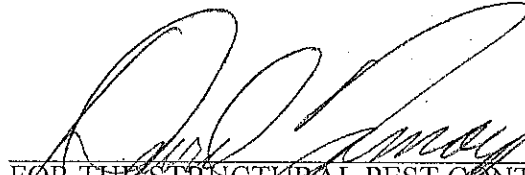
ORDER

IT IS SO ORDERED that Field Representative License No. FR 35207, heretofore issued to Respondent Daniel Jack Dunn, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 14, 2016.

It is so ORDERED August 15, 2016



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:SD2016700919

Attachment:
Exhibit A: Accusation